## THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KENNETH R. TOSCANO, :

:

Plaintiff, : CIVIL ACTION NO. 14-763

V.

:

NATIONAL AUTOMOBILE DEALERS
ASSOCIATION d/b/a NATIONAL
AUTOMOBILE DEALERS INSURANCE
TRUST, and EVERCORE TRUST
COMPANY (as trustee for NATIONAL
AUTOMOBILE DEALERS INSURANCE
TRUST),

:

Defendants. :

## **ORDER**

AND NOW, this 24<sup>th</sup> day of August, 2015, after considering the motion to dismiss the amended complaint filed by the defendants, National Automobile Dealers Association d/b/a National Automobile Dealers Insurance Trust, and Evercore Trust Company (as trustee for National Automobile Dealers Insurance Trust) (Doc. No. 25), the memorandum of law in response to the motion filed by the plaintiff, Kenneth R. Toscano (Doc. No. 26), and the reply brief filed by the defendants (Doc. No. 27); and after reviewing the allegations in the amended complaint and the documents attached thereto (Doc. No. 24); and for the reasons set forth in the accompanying memorandum opinion; accordingly, it is hereby **ORDERED** as follows:

1. The motion to dismiss the amended complaint (Doc. No. 25) is **GRANTED** and the complaint is **DISMISSED** with prejudice; and

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BY THE COURT:

/s/ Edward G. Smith EDWARD G. SMITH, J.